



underberg & kessler LLP

RONALD G. HULL, SENIOR COUNSEL
(585) 258-2838
rhull@underbergkessler.com

August 26, 2010

Craig Whitenack, Civil Investigator
United States Environmental Protection Agency
Region IX, Southern California Field Office
600 Wilshire Blvd., Suite 1460
Los Angeles, California 90017

Re: United States Environmental Protection Agency, Region IX
Follow Up Request for Information Pursuant to 42 USC 9604(c)
Pertaining to the Yosemite Creek Superfund Removal Site
San Francisco, California
Regarding Rochester Midland Corporation response for Bytech Chemical

Dear Mr. Whitenack:

We are in receipt of a letter dated August 24, 2010 from James Hanson regarding Rochester Midland's response to the U.S. Environmental Protection Agency's October 15, 2009 Request for Information relating to the Yosemite Creek Superfund Removal Site in San Francisco.

Mr. Hanson asserts that EPA acknowledges receipt of the Response from Rochester Midland, but deems some answers non-responsive or only partially responsive to EPA's Request and, further, considers the "lack of responsiveness" to be a failure and/or refusal to comply with the Request.

Rochester Midland denies that it has failed or refused to respond to EPA's Request and rejects EPA's heavy-handed characterization of its Response as both unfair and unwarranted. Moreover, Mr. Hanson's letter asserts that only responses to "certain questions" in the Request are deemed non-responsive or only partially responsive, but fails to identify which responses those are.

Rochester Midland takes its obligation to respond to appropriate Requests from EPA seriously and has no interest in engaging in an adversarial contest with the agency. In an effort to resolve this issue, we request that EPA identify which questions and responses it believes require more expansive answers and forward those questions to my attention at your earliest convenience.

Mr. Craig Whitenack.
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We will review the designated questions and responses with Rochester Midland and provide supplemental responses to the extent additional information is available, subject, of course, to Rochester Midland's right to object to inappropriate questions.

Very truly yours,

Ronald G. Hull

RGH:dp

cc: Nicholas W. Van Aelstyn, Esq.